



WISCONSIN STATE REPRESENTATIVE
Louis J. Molepske, Jr.
71ST ASSEMBLY DISTRICT

Testimony of
Rep. Louis J. Molepske, Jr., 71st Assembly District
Before the Assembly Committee on Urban and Local Affairs
April 6, 2010
On
AB 906

Chairman Risser and members of the Committee, I appreciate this opportunity to testify today in support of AB 906. This bill seeks to streamline the platting process in Wisconsin. In the interest of time my comments will be brief.

As chairman of the Assembly Jobs, the Economy and Small Business Committee, I have heard from many industry sectors over the last 15 months about the challenges they face relative to the state of the economy. My conversations with the housing industry have focused on the importance of re-starting the housing industry due to its relative significance in restoring and adding jobs and growing the Wisconsin economy. We also discussed balancing those goals with the protection of interests of the public and our local communities. AB 906 and its Senate companion introduced by Sen. Hansen, SB 626, seek to meet those goals.

As you have heard from the Wisconsin Builders Association, AB 906 is necessary to:

- Provide some relief from current statutory deadlines which, due to economic conditions in the housing industry are causing problems;
- Clarify that local governments cannot modify what requirements apply to a new development after a plat is submitted;
- Clarify when local governments can exceed state platting requirements; and
- Limits the amount of security local governments could require to ensure necessary improvements were made within a reasonable time, by specifying that amount of security is tied to the portion of the project being constructed and not the entire project.

Again, I appreciate this committee's prompt hearing on this bill and I look forward to continuing to work with the committee towards its passage.

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Wisconsin Builders Association

DATE: April 6, 2010

TO: Assembly Committee on Urban and Local Affairs

FROM: Patrick Stevens, WBA General Counsel
Brad Boycks, WBA Government & Political Affairs

RE: AB 906 (Modifications to Platting Requirements)

The Wisconsin Builders Association (WBA) strongly supports AB 906. WBA's members often are involved in subdivisions that are regulated under Wisconsin's platting law. Initially, we would like to thank Representative Molepske and Senator Hansen for cosponsoring this bill.

The changes contained in this bill are intended to help the housing industry, while ensuring the interests of the public and the local governments are protected. A vibrant housing industry is critical to the economic well-being of the state, with one recent study showing that the one year impact of the construction of 1000 family homes in Wisconsin is approximately \$181 million in income for Wisconsin residents, \$30 million in state and local taxes, and 3255 jobs. This bill will help the housing industry by: extending certain deadlines in the law, which are creating problems due to economic conditions; clarifying certain rights of subdividers and municipalities; and streamlining the law.

Some important components of this bill include:

- Providing subdividers with more time to record final plats and submit final plats after a preliminary plat is approved. While subdividers would generally like to move forward with projects as quickly as possible, this change would, for example, provide more flexibility in the event economic conditions do not allow a project to go forward within the current timelines.
- Clarifying that the ordinances that apply to a proposed subdivision are those that are in place at the time of the submittal of the preliminary plat. This ensures that the "rules of game" do not change during the review/approval process.
- Setting forth reasonable limits on the amount of security local governments require to ensure necessary improvements are made within a reasonable time, by specifying that amount of security is tied to the portion of the project being constructed, and not the entire project, and that security will not be required before it is reasonably necessary. This helps minimize costs, while at the same time ensuring the local governments are protected.



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- Indicating that any agreement to vary from an ordinance must be entered into freely and voluntarily. This helps ensure subdividers are not "arm twisted" into agreeing to something not in an ordinance in order to move forward with their projects.
- Clarifying when local governments can exceed state platting requirements. The bill specifies that local governments cannot be more restrictive in regard to state platting law provisions that provide protections to subdividers. If local governments could be more restrictive in these instances, the protections in the platting law would be rendered meaningless.
- Specifying that a plat may be recorded in parts. This reflects that fact that projects are often done in phases.

Please join WBA and support AB 906.



April 5, 2010

TO: Assembly Committee on Urban and Local Affairs

FR: Sarah Spaeth, Legislative Policy Advisor

RE: Assembly Bill 906/Senate Bill 626

I write to inform you that Waukesha County has concerns regarding Assembly Bill 906/Senate Bill 626, which makes various changes to platting requirements. This bill is scheduled for a hearing on Tuesday, April 6.

Under current law, if a final plat is not submitted within 24 months after the last required approval of the preliminary plat, the approving authority must refuse to approve the final plat. This bill extends the time for submitting a final plat to 36 months after the last required approval of the preliminary plat. Further, the bill allows the approving authority to extend the 36 month time period. Waukesha County disagrees with the proposed extension of the timelines for plat submittals and recording. The current 24 month timeline is a significant and sufficient timeline, and to extend it, as proposed by this bill, may alter how the development impacts future changes in local rules and land use regulations. This is especially the case where changes locally are being made with extended periods of time allowed for submittals and recordation. Such time extensions may undermine what the local communities are preparing regarding land use and regulatory decisions as well as planning for their future uses.

This bill contains another problematic provision. The bill allows a county, town, city or village and a developer to agree to waive or vary requirements under an ordinance that is in effect when the preliminary plat, or final plat if no preliminary plat, is submitted. Further, the bill allows the approving authority and the subdivider agree as to the application of ordinances that are enacted by the approving authority after the preliminary plat, or final plat if no preliminary plat, is submitted.

We believe that these waiver provisions violate due process. To allow an official, at the request of a developer, to modify a regulation which is ordained is troublesome. Such changes should only occur using standard due process procedures (notice, right to appeal, etc.).

Thank you for your consideration. Please feel free to contact me with any questions.